

**CHAPTER NO. 115**

**HOUSE BILL NO. 3593**

**By Representative Harmon**

**Substituted for: Senate Bill No. 3495**

**By Senator Cooper**

AN ACT to amend Chapter 179 of the Private Acts of 1923; as amended by Chapter 613 of the Private Acts of 1949; Chapter 341 of the Private Acts of 1970; Chapter 203 of the Private Acts of 1976; Chapter 209 of the Private Acts of 1976; Chapter 21 of the Private Acts of 1977; Chapter 112 of the Private Acts of 1986; Chapter 1 of the Private Acts of 1995 and Chapter 78 of the Private Acts of 1995; and any other acts amendatory thereto, relative to the charter of the City of Spencer.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 179 of the Private Acts of 1923; as amended by Chapter 613 of the Private Acts of 1949; Chapter 341 of the Private Acts of 1970; Chapter 203 of the Private Acts of 1976; Chapter 209 of the Private Acts of 1976; Chapter 21 of the Private Acts of 1977; Chapter 112 of the Private Acts of 1986; Chapter 1 of the Private Acts of 1995 and Chapter 78 of the Private Acts of 1995; and any other acts amendatory thereto, is amended by deleting such chapter in its entirety and by substituting instead the following to be the charter of the City of Spencer:

Section 1. Incorporation. The territory and the inhabitants thereof within the boundary hereinafter set out are hereby created a body politic and corporate under the name of the City of Spencer, hereinafter referred to as the city.

Section 2. Boundaries. Beginning at concrete monument #10 located at the south corner of Tax Map 39, Parcel 53 and in the west margin of Old Hwy, 111; thence northwest with Par 53 300'±; thence with the north line of Parcel 53 northeastwardly 200'± to the southern line of Parcel 52; thence northwest with Parcel 52 700'± to the southwest corner of Parcel 52; thence northward with the west lines of Tax Map 39, Parcels 52, 51 and 50 900'± to the northwest corner of Parcel 50; thence continuing northward severing Tax Map 40, Parcel 4.00 1750'± to the southwest corner of Map 39, Parcel 37; thence with said Parcel 37 northward 1200'± to the northwest corner of said Parcel 37; thence eastward 1900'± to the southwest corner of Tax Map 39, Parcel 33; thence northward with the west line of Parcel 33 750'±; thence northwestward with Parcel 33.00 800'± to a corner in the south line of Map 39, Parcel 1.15; thence southwestwardly with Parcel 1.15 250'± to the southernmost corner of Parcel 1.15; thence northwestward with Tax Map 39 the following Parcels: 1.15, 1.10, 1.09, 1.11 and 1.08 1650'±; thence continuing with Parcels 1.08 and 1.12 northward 800'±; thence eastward with Parcels 1.12, 1.07 and 1.16 1400'± to the northeast corner of Tax Map 39, Parcel 1.16 and also being a corner of Tax Map 39, Parcel 1.00; thence north with the east line of said Parcel 1.00 1000'± to the northeast corner of Parcel 1.00; thence westward 500'± to the southeast corner of Tax Map 30, Parcel 58.02; thence with the east line of Tax Map 30, Parcel 58.02 800'± to the northeast corner of Parcel 58.02; thence westward with Parcel 58.02 2200'±; thence northward with the east line of Parcel 58.02 1100' to a point in the center of the Old Spencer Road and in the east line of Tax Map 30, Parcel 58.01; thence northward with the east boundary line of Parcel 58.01 1200'± to the east margin of State Hwy. 30; thence northeastwardly with the east margin of Hwy. 30

3200'± to a point in the southern right of way of Hwy. 30; thence N04°E severing Tax Map 30, Parcel 1.01 200'± to the south line of Tax Map 30, Parcel 2.00; thence northward severing Parcel 2.00 600'± to the south line of Parcel 3.00; thence westwardly 100'± to the southwest corner of Parcel 3.00 in the east line of Parcel 2.00; thence north with Parcel 2.00 1000'± to a point in the west line of the Van Buren School property; thence N80°E 200'±; thence N10°E 300'±; thence N80°E 200'± to the east margin of Old Hwy. 111; thence northwardly along the east margin of Old Hwy. 111 3500'± to a point east of Monument #2; thence westwardly passing through Monument #2 and on westward with the south lines of Map 23, Parcels 29.02, 29.00 and 30.01 2300'± to the southwest corner of said Parcel 30.01; thence northward with the west line of Parcel 30.01 300'± to the southern line of Map 23, Parcel 30.00; thence southwestwardly with Parcel 30.00 900'± to the southernmost corner of Parcel 30.00; thence northwestwardly with Parcel 30.00 250'±; thence northeastwardly with Parcel 30.00 1200'± to the southwest corner of Map 23, Parcel 29.01; thence northwardly with the west line of Parcel 29.01 1200'± to the northwest corner of Parcel 29.01; thence eastwardly with Parcel 29.01 900'± to the southwest corner of Map 23, Parcel 1.00; thence northeastwardly with the west line of Parcel 1.00 700'± to the northwest corner of Parcel 1.00; thence east with the north line of Parcels 1 and 3 1600'± to the center of Old Hwy. 111; thence southward with Old Hwy. 111 350'±; thence S39°23'19"E 100'± to Monument #5; thence S39°23'19"E 181.73' to Monument #4; thence N70°E 400'± to a point severing Tax Map 23, Parcel 6.00; thence southward and 600' east of and parallel to the center line of present Hwy. 171 and severing Parcels 6.00 and 6.02 4000'± to a point in the north boundary line of Parcel 41; thence eastward with the north line of Parcel 41 200'± to the northwest corner of Map 23, Parcel 42.00; thence northeastwardly with the northern line of Parcels 42.00 and 26.00 2000'± to the southwest corner of Parcel 24.00; thence north with the west line of Parcel 24.00 250'± to a point in the south line of Parcel 23.00; thence severing Parcels 23.00, 22.03, 22.06 and 19.00 1600'± to the southeast corner of Parcel. 22.07; thence eastward severing Parcels 19.00, 18.00 and 12.00 1800'± to the northwest corner of Parcel 16.01; thence eastwardly with the north line of Parcel 16.01, crossing Lamont Road and with the north line of Parcel 16.00 400'± to the northeast corner of Parcel 16.00; thence southward with the east line of Parcel 16.00 2600'± to the southeast corner of Parcel 16.00; thence westward with the south line of Parcel 16.00 1400'± to the southeast corner of Map 23, Parcel 43.00; thence southward with the southeast line of Parcel 43.00 1800'±; thence eastward with Parcel 43.00; 300'±; thence southward with the southeast line of Parcel 43.00 350'±; thence S56°17'54"E 5400'± to Monument #6 on the southeast side of Turkey Scratch Road (having severed Map 23, Parcel 44.00, Map 30, Parcels 4.00, 9.00 and 10.00); thence northeastwardly with the eastern right of way of said road 700'± to a corner of Map 30, Parcel 10.00; thence southward with the east line of Parcel 10.00 500'±; thence eastward with Parcel 10.00 1300'± to a corner in the west line of Tax Map 22, Parcel 12.00; thence southward with the east lines of Tax Map 30, Parcels 10.00, 13.00, 42.02 and Tax Map 31, Parcels 5.02, 5.01, 5.00 and 6.00 5700'± to Monument #8 on the south side of Hwy. 30; thence continuing southward with Tax Map 38, Parcels 1.00, 1.01, Tax Map 39, Parcel 19.00 1300'± to the southeast corner of Parcel 19.00; thence westwardly with the south lines of Parcels 19.00 and 18.00 1300'± to the southwest corner of Parcel 18.00; thence southward with the east line of Tax Map 39, Parcel 8.00 3600'±; thence northwestwardly 2000' with the southwest line of Parcel 8.00 to the southeast corner of Parcel 8.01; thence southwestwardly with the east line of Parcel 8.01 1000'±; thence northwestwardly with the line of Parcel 8.01 800'± to the northeast corner of Tax Map 39, Parcel 39.00; thence with the north line of Parcel 39.00 westward 2500'± to the northeast corner of Parcel 38.00; thence southward with the east line of Tax Map 39, Parcels 38.00 and 44.00 1800'± to the southeast

corner of Parcel 44.00; thence west with Parcel 44.00 250'±; thence south 50'± to the north line of Tax Map 39, Parcel 69.00; thence east with the north line of Parcel 69.00 100'± to the northeast corner of the Van Buren Bluffs Subdivision; thence along the eastern and southern boundaries of Van Buren Bluff Subdivision 4500'± to the southeast intersection of Van Buren Bluff Loop and Old Dunlap Road, also being the northwest corner of Parcel 57.00; thence eastward with the north lines of Tax Map 39, Parcels 57.00, 57.04 and 57.01 900'± to the northeast corner of Parcel 57.01 and also being the northernmost corner of Parcel 58.00; thence southeastwardly with the northeast line of Parcel 58.00 600'± to the northwest corner of Parcel 84.00; thence southeastwardly with Parcel 84.00 700'± to the southeast corner of Parcel 84.00; thence southwestwardly with Parcel 84.00 200'± to the southwest corner of Parcel 84.00 in the east line of Parcel 58.00; thence southwestwardly with the east boundary of Parcel 58.00 1500'±; thence westwardly with the southern boundary of Parcel 58.00 600'±; thence northwestwardly with the West line of Tax Map 39, Parcels 58.00 and 57.04 1500'± to the southeast corner of Parcel 56.00; thence with Parcel 56.00 southwestwardly 400'±; thence northwestwardly with the west line of Parcel 56.00 250'±; thence southwestwardly 200'± severing Tax Map 69, Parcel 17.00 to a point in the east right of way of Hwy. 111; thence crossing Hwy. 111 westwardly and along the north line of Tax Map 69, Parcel 17 900'± to the beginning, and as further amended pursuant to the general laws of the State of Tennessee. Containing 6.47 square miles.

### Section 3. Board of Mayor and Aldermen/meetings/quorum.

(a) The government of the city shall be vested in a Board of Mayor and Aldermen, hereinafter referred to as the board, to be elected as provided in Section 6, by the qualified voters living within the corporate limits of the town, qualified to vote in any general state or county election, and persons owning real estate in their own name within said corporate limits but residing without its limits and who are qualified to vote in any general state or county election, all of whom shall be qualified to vote for Mayor and Aldermen and in all city elections.

(b) The board shall determine a schedule of regular meetings at the beginning of each calendar year. The Mayor is authorized to call special meetings, when he deems it necessary or any three (3) board members may call a special meeting of the board; however, the call for a special meeting shall state the specific purpose, or purposes, of the meeting, and the board may not consider matters not included in the call.

(c) The Mayor shall be counted as part of the board in determining a quorum, and a quorum shall consist of a majority of the board.

Section 4. Vacancies. Should a vacancy occur in the office of Alderman, the remaining Aldermen shall appoint a replacement to serve until the next election, at which time an Alderman shall be elected to serve the remaining term of office.

Section 5. Qualifications for elected office. Only qualified voters and residents of Spencer, Tennessee, over twenty-one (21) years of age shall be eligible for the office of Mayor or Alderman of the city, at any election to be hereafter held for such purpose.

Section 6. Elections. On the first Saturday in May 1925, and every two (2) years thereafter, the county Election Commissioners of Van Buren County, Tennessee, or those entrusted by law with holding state and county elections in Van Buren County, shall open and hold an election in the City of Spencer for the purpose of electing a Mayor and Aldermen, as provided in this section. Notices of such elections shall be posted at the courthouse door in the City of Spencer at least ten (10) days prior to the election, which notice shall state the time, place and purpose of holding said election, and in case there is any newspaper published in said city said notice shall also appear in such paper. Candidates shall file their nominating petitions in accordance with Tennessee Code Annotated, Section 2-5-101. Said Election Commissioners or those authorized by law to hold general elections shall appoint election officials to hold said election as provided in Tennessee Code Annotated, Title 2, Chapter 4, and they shall subscribe to an oath as in general state and county elections. Said election officials shall make their returns to said Election Commissioners or those authorized by law to hold elections and they shall certify the result of such election to the Mayor of said city. In all respects said election shall be held in accordance with the election laws in force in this state. Qualified voters, who are real estate owners within said corporate limits, but who live without said limits, shall be entitled to vote in any such election in accordance with Tennessee Code Annotated, Section 2-2-107. At the May 1977 election, the three (3) candidates for Alderman receiving the three (3) highest numbers of votes shall be elected for terms of four (4) years and the two (2) candidates for Alderman receiving the next two (2) highest numbers of votes shall be elected for terms of two (2) years. At the May 1979 election, and each four (4) years thereafter, two (2) Aldermen shall be elected for terms of four (4) years. At the May 1981 election, and each four (4) years thereafter, three (3) Aldermen shall be elected for terms of four (4) years. A Mayor shall be elected at the May 1997 election and each four (4) years thereafter. The Mayor and Aldermen shall assume office immediately after election. However, the failure to do so shall not invalidate the election if they assume office within thirty (30) days from the time of said election. The failure to hold such election at the time specified will not forfeit the charter of this incorporation, but said election officials may call an election at a later date than provided by law by giving the notice herein required. In case a majority of those elected in any such election shall fail to qualify for more than thirty (30) days after such election, then an election will be held after giving the required notice to fill such vacancies as may exist. If a majority of those elected qualify within the time required by law, they will fill any vacancies that may exist.

Section 7. Oath of Office. The Mayor and Aldermen shall, before assuming the duties of their respective offices, take an oath before some person authorized to administer oaths to impartially and faithfully perform the duties of their respective offices and to defend the City of Spencer, said oaths to be filed with the Recorder, hereinafter provided for.

Section 8. Officers/Recorder/Vice Mayor.

(a) The Mayor, each Aldermen, and the City Recorder shall be the officers of the city.

(b) The board shall meet and elect a Recorder, who shall serve a term of four (4) years. The term of the City Recorder appointed on July 1, 2003 shall expire on June 30, 2007. Thereafter, the City Recorder shall be appointed for a four-year term. The Recorder shall act as the city's Treasurer. In addition to the duties described in Section 14, the Recorder shall:

(1) Keep all records of the city; and

(2) Attest to the Mayor's signature.

(c) The Board of Mayor and Aldermen shall elect from the Aldermen a Vice Mayor, who shall serve a term of four (4) years. The Vice Mayor shall:

(1) Preside at any meeting or hearing if the Mayor is unable to attend;

(2) Serve as Mayor when the Mayor is absent or unable to discharge the duties of the Mayor's office; and

(3) Serve in case of a vacancy in the office of Mayor until the next regular municipal election.

Section 9. Surety Bonds. Before assuming the duties of their respective offices the Recorder, Utility Clerk, and Police Officers shall execute surety bond in such sum as the board may require. Bonds are to be filed with the Recorder and will become a part of the official records of said incorporation. Said bonds will be conditioned to properly account for all money or property that might come into their respective hands in their official capacity.

Section 10. Legislative.

(a) The Mayor and Aldermen, under the style of "board," shall constitute the legislative body of said corporation; they shall meet once every two (2) months, and more often if they deem it necessary, and shall have power to pass all ordinances and resolutions and to make all orders that are necessary to carry out the objects of this charter; and it will not be necessary for an ordinance or resolution to pass more than two (2) meetings or readings, but before any ordinance or resolution becomes effective, it shall be read in an open meeting of said board and shall be signed and approved by the Mayor on or before the next meeting of the board; provided, however, said Mayor may veto any such ordinance or resolution, as provided in subsection (d).

(b) Ordinance Procedures. All ordinances shall begin with the clause "Be it ordained by the Mayor and Board of Aldermen of the City of Spencer, Tennessee." An ordinance may be introduced by any member of the board. Every ordinance shall be read in its entirety before the board prior to consideration. Every ordinance shall be passed twice, at regular, special, or adjourned meetings. Except in the ordinance adopting the budget, no material or substantial amendment may be made, unless such amendment is passed in the same manner as an amendment to an existing ordinance. Every ordinance shall be effective upon passage, unless by its terms the effective date is deferred.

(c) Legislative action which must be exercised by ordinance. Except as otherwise provided by general law or this charter, legislative action of the board shall be by ordinance when granting, renewing or extending public franchises; creating, abolishing or combining departments or offices; authorizing the borrowing of money; regulating the rate charged for its services by a public utility; fixing fees, service

charges and utility rates; exercising the police power; levying taxes; adopting the budget; providing a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed; or amending or repealing an existing ordinance.

(d) Mayor's Veto. Before any ordinance or resolution shall become effective, it must be signed and approved by the Mayor on or before the next regular meeting of the board; provided, however, that the Mayor may veto any such ordinance or resolution passed by the Aldermen. In case the Mayor shall refuse to approve any ordinance or resolution passed by the Aldermen, he shall return same to the next regular meeting of the board, with his reasons stated in writing for his refusal, and said ordinance or resolution shall not be binding unless and until said Aldermen, by the affirmative vote of three (3) members, shall override the veto by passing the ordinance or resolution again, the Mayor's veto not withstanding.

Section 11. Duties of the Mayor. It shall be the duty of the Mayor to preside at all meetings of the board, to vote on all questions coming before said board in case of a tie vote. He shall make such recommendations as he deems for the best interest of the city and shall have power to call special meetings of the board when he deems it necessary. The Mayor shall be the ceremonial head of the city. The Mayor is authorized to accept legal process on behalf of the City of Spencer.

Section 12. General Powers. The board may:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest bearing or non-interest bearing bonds, warrants, promissory notes or orders of the municipality, upon the credit of the town or solely upon the credit of specific property owned by the city or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the city for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the city or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the city, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapters 16 and 17, or in any other manner provided by law;

(10) Take and hold property within or without the city or state upon trust; and administer trusts for the public benefit;

(11) Acquire, construct, own, operate, and maintain or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the city, its inhabitants, or any part thereof, and, further, may issue debt for these purposes under the Local Government Public Obligations Act, Tennessee Code Annotated, Title 9, Chapter 21;

(12) Grant to any person, firm, association or corporation (including the city) franchises for public utilities and public services to be furnished the city and those therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the city itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each grant of franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened, and any such franchise shall conform to federal and state law;

(13) Make contracts with any person, firm, association or corporation for public utilities and public services to be furnished the city and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the city at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, deconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions of Tennessee Code Annotated, Sections 7-31-107, 7-31-111, and 29-16-114, or any other manner provided by general laws;

(16) Construct, improve, reconstruct and re-improve by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, Tennessee Code Annotated, Title 7, Chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the city, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;



(24) Inspect, test, measure and weigh any article for consumption or use within the city, and charge reasonable fees therefor, and provide standards of weights, tests and measures, in accordance with general law;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, land and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of persons who violate laws within the corporate limits of the city, or contract with the county to keep these persons in the workhouse of the county;

(28)

(A) Enforce any ordinance, rule or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction;

(B) Establish a City Court by ordinance, if deemed necessary, to enforce all city ordinances; and

(C) Provide by ordinance for court costs;

(29) Regulate, tax, license or suppress the keeping or going at large of animals within the town, impound them, and in default of redemption sell or kill them;

(30) Call elections as herein provided;

(31) Establish such offices and departments it deems necessary for the operation of the city;

(32) Establish, by ordinance, the office of City Administrator and prescribe the duties and responsibilities of the City Administrator, including procedures for hiring, firing, disciplining, and demoting; and

(33) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

Section 13. Enforcement of ordinances. The City Administrator shall be responsible for enforcement of all ordinances, resolutions, and regulations of the city. The Greater General Sessions Court of Van Buren and White counties shall have jurisdiction over ordinance and criminal violations within the corporate limits of Spencer.

Section 14. Duties of Recorder. The Recorder shall record all ordinances, resolutions and orders passed by the board in a well-bound book or books; keep an accurate and correct minute of all the proceedings of the board; issue all privilege licenses, and collect taxes on same; and collect all ad valorem privilege and special taxes levied by the board and keep a proper ledger of the same. It shall be the duty of the Recorder to make out the tax book and to make collection of such taxes, taking his receipt therefor. In making out the tax book for said corporation, the Recorder will take the same from the Assessor's books in the County Clerk's office, after the County and State Boards of Equalization have finally acted upon the assessment, or from the tax duplicate in the County Clerk's office, provided same is made out in time. The Recorder will give the same description and valuation as is set out in said Assessor's book, as changed or altered, if at all, by the action of the Equalization Boards; provided, however, he may correct or supply any description that will more correctly identify the property.

The records of the County Clerk, being public records in accordance with Tennessee Code Annotated, Title 10, Chapter 7, shall be made available pursuant to law to the Recorder for the purpose of copying said assessments.

If any property on the Assessor's book or the tax duplicate lies partly within and partly without the corporate limits of the city, the Recorder shall so assess the same as to give a fair, equitable, cash valuation of that portion within the corporate limits.

If any property, real, personal, or mixed, within the corporate limits, has escaped assessment, it shall be the duty of the Recorder to assess the same; however, the board may change or correct the assessment made out by the Recorder, upon the basis of the State and county assessment, as finally passed upon by the Board of Equalization. The Recorder, when the assessment list is completed, shall make oath that it is a true and correct copy of the assessment as shown by the Assessor's book or the tax duplicate, as the case may be, except as to property partly within and partly without the corporate limits, changes in description, and omitted property, and that in such instances he has assessed same equitably with other property for municipal purposes to the best of his skill and ability.

The Recorder shall also act as City Treasurer and shall keep a true, full and complete record of all moneys coming into his hands as Recorder, in a ledger, and pay same out upon the order of the Mayor's warrant, upon approval of the Aldermen, all of which shall be entered upon said ledger. It shall be the duty and responsibility of the recorder to countersign all such warrants for payment of the expenses of the corporation. He shall have the care, custody and keeping of all the records and property of said corporation. He shall perform such other duties as may be required of him by ordinance.

Notwithstanding any provisions of this act, the board is authorized to have municipal taxes collected in accordance with provisions of Tennessee Code Annotated, Title 67, as the same may be amended or in accordance with any other act of the General Assembly of the State of Tennessee now in existence or hereinafter enacted.

Section 15. Taxes/tax collections. The basis upon which property shall be taxed and the taxes collected by the City of Spencer shall be the same, in substance, as provided by the general laws of the state, except as herein specifically set out.

Section 16. Payment of taxes/delinquency.

(a) All property taxes shall be due and payable on the first day of October of the year for which assessed. If said taxes are not paid by the first day of December of that year five percent (5%) penalty shall be added, and one and one half (1 1/2) penalty and interest shall be added for each remaining month until the taxes are paid.

(b) All delinquents on said list shall be reported to the board on the first day of the next March. The board shall have power and authority to employ counsel to file bills to collect the delinquent taxes on real estate and the same procedure may be followed as is now prescribed for the collection of delinquent state and county taxes on real estate. No sales of real or personal property shall be invalid on account of any irregularities in the assessment of the property or for any other reason or reasons except that there is no description to identify the lands or that the taxes thereon have been paid.

(c) In making out said delinquent lists, the Recorder shall make oath that it is true and correct to the best of his knowledge, information and belief. It is provided that suits may be filed for collecting taxes on delinquent realty after the first day of March without waiting until the state proceeds to collect such delinquent taxes due it. The said delinquent lists herein referred to shall have the same force and effect as a judgment at law and an execution issued thereon. Said delinquent list shall also be ample authority for the board to proceed, by counsel, with the filing of a bill or bills to collect taxes on delinquent realty. On all special, privilege and ad valorem taxes, the Recorder shall have the same powers as a County Clerk now has in the collection of such taxes due the state and county, and receive the same fees.

(d) All municipal taxes upon real estate in the City of Spencer are hereby declared to be a lien on said property from and after the 10th day of January of the year for which the same was assessed, subject alone to the lien of the State of Tennessee and County of Van Buren for taxes legally assessed thereon.

(e) The board may by proper ordinances pass such other provisions as will more effectively provide for the assessment and collection of municipal taxes within the corporate limits.

(f) In reporting delinquent lists as herein provided, it shall be the duty of the official reporting the list to show why the taxes have not been paid.

Section 17. Absence of Recorder. In the absence of the Recorder, or in cases of disabilities, the City Administrator shall perform all the duties of said Recorder, and he is hereby given the same power and authority in such cases as are generally granted herein to the Recorder.

Section 18. Pay of Mayor and Aldermen/Employees. Pay for the Mayor and Aldermen shall be as approved in the annual budget, provided, however that such pay shall not be increased or decreased during the current term of office. Pay for the Recorder, City Administrator, and other employees shall be set by the board.

SECTION 2. All laws or parts of laws in conflict with the provisions of this charter be and the same are hereby repealed.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Spencer. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 5. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 4.

**PASSED: May 6, 2004**

  
JIMMY RAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 18<sup>th</sup> day of May 2004**

  
PHIL BREDEBEN, GOVERNOR